

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

U.S.A. vs. Megan Johnson Docket No. 3:12CR00076-03

Petition for Action on Conditions of Pretrial Release

COMES NOW Burton Putman, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Megan Johnson who was placed under pretrial release supervision by the Honorable John S. Bryant sitting in the Court at Nashville, Tennessee, on July 18, 2012, under the following conditions: Please reference the attached Order Setting Conditions of Release.

Respectfully presenting petition for action of Court and for cause as follows:
Please reference page two of this document

I declare under penalty of perjury that the foregoing is true and correct.

Burton Putman Burton Putman Nashville, TN November 15, 2012
U.S. Pretrial Services Officer Place: Date:
Next Scheduled Court Event Plea Hearing December 10, 2012
Event Date

PETITIONING THE COURT

- No Action To issue an order setting a hearing on the petition
 To Issue a Warrant Other

THE COURT ORDERS:

- No Action A Hearing on the Petition is set for
 The Issuance of a Warrant.
 Sealed Pending Warrant Execution
(cc: U.S. Probation and U.S. Marshals only)
 Other

Date _____ Time _____

Considered and ordered this 16th day
of November, 2012, and ordered filed
and made a part of the records in the above
case.

John S. Bryant
Honorable John S. Bryant
U.S. Magistrate Judge

Honorable John. S. Bryant
U.S. Magistrate Judge
Report of Noncompliance on
Johnson, Megan
Docket No. 3:12-CR-00076-03
November 15, 2012

The defendant appeared before the Honorable Robert E. Wier, U.S. Magistrate Judge, Eastern District of Kentucky, at Lexington, on July 5, 2012, for an Initial Appearance Hearing after she was arrested as to an Indictment out of the Middle District of Tennessee which charged her with Conspiracy to Distribute a Controlled Substance, in violation of 21 U.S.C. § 841(a)(1) and 846. A Detention Hearing was held before Magistrate Judge Wier on July 10, 2012, at which time the defendant was released on pretrial supervision with conditions. The defendant made her Initial Appearance in the Middle District of Tennessee before Your Honor on July 18, 2012. She was appointed counsel, arraigned, and released on the same conditions as previously ordered by Judge Wier.

The defendant is currently supervised by the U.S. Probation Office in the Eastern District of Kentucky where she resides.

Special Conditions of Pretrial Release:

Please reference the attached Order Setting Conditions of Release.

VIOLATION(S):

Shall not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. 802, unless prescribed by a licensed medical practitioner.

On November 14, 2012, while in Nashville, Tennessee, for a court appearance before the Honorable Todd J. Campbell, U.S. District Judge, the defendant was drug tested by Pretrial Services. The defendant was positive for Oxycodone. The positive sample was forwarded immediately to Alere Laboratory for confirmation testing. The defendant denied using Oxycodone or any other illegal or controlled substance.

This pretrial services officer informed the defendant's supervising officer in the Eastern District of Kentucky by email of the defendant's presumptive positive for Oxycodone as well as her denial of use. Also by email, the supervising officer responded that the defendant had called her after leaving the pretrial services office in Nashville, Tennessee, and admitted using Oxycodone on one occasion during the previous week.

Current Status of Case:

According to PACER, this case is set for a Change of Plea Hearing before the Honorable Todd J. Campbell, U.S. District Judge, on December 10, 2012, at 9:00 a.m.

Honorable John. S. Bryant
U.S. Magistrate Judge
Report of Noncompliance on
Johnson, Megan
Docket No. 3:12-CR-00076-03
November 15, 2012

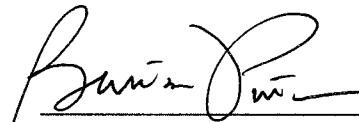
Probation Officer Action:

According to the pretrial services officer in the Eastern District of Kentucky, the defendant participates in a Suboxone treatment program to assist her in her recovery. Purportedly, the defendant was "between" Suboxone clinics when she relapsed and used Oxycodone. This officer has requested that the defendant be required to participate in contract outpatient treatment in addition to her participation in the Suboxone treatment program. It has also been recommended that the frequency of drug testing be increased for this defendant.

Respectfully Petitioning the Court as Follows:

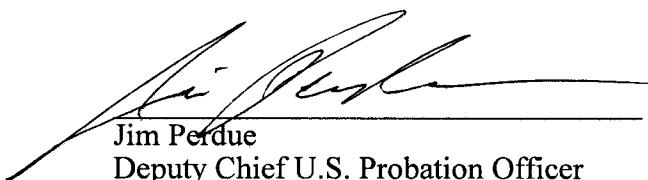
It is recommended that the Court take no formal action at this time and that Megan Johnson remain on pretrial services supervision and under the same conditions of release. The U. S. Attorney's Office has been advised of the violation.

Submitted by:



W. Burton Putman
Supervising U. S. Probation Officer

Approved:



Jim Perdue
Deputy Chief U.S. Probation Officer

cc: Lynne T. Ingram, Assistant U.S. Attorney
Kimberly S. Hodde, Defense Counsel

UNITED STATES DISTRICT COURT Eastern District of Kentucky

for the

Eastern District of Kentucky

JUL 10 2012

United States of America

V.

Megan Johnson

Defendant

AT LEXINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

Case No. 5:12-MJ-5065-REW

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
 - (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
 - (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
 - (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: _____ as directed. Defendant must contact Pretrial Services in Nashville, TN, for her

Place

next appearance date. Contact info: Burton Putman, 110 9th Ave. S., Ste. A-725, Nashville, TN, 615-736-5771

on

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

must follow the State Supervision Rules

Defendant shall follow the directions and instructions of the USPO in implementing the supervision established by this Order, to include meeting times, obligations, locations and other administrative details of supervision.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

- (X) (7) The defendant must:

(X) (a) submit to supervision by and report for supervision to the United States Probation Office, telephone number (859) 233-2646, no later than 07/10/2012 + 7 days As D. reported.

(X) (b) continue or actively seek employment.

() (c) continue or start an education program.

(X) (d) surrender any passport to: USPO

(X) (e) not obtain a passport or other international travel document.

(X) (f) abide by the following restrictions on personal association, residence, or travel: Travel restricted to Eastern District of Kentucky and Middle District of Tennessee.

(X) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: Except through counsel, no contact with any known government witness or co-defendant. No discussion of case subject matter (witnesses, defenses, claims) with any person except via counsel.

() (h) get medical or psychiatric treatment: _____

() (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

() (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

(X) (k) not possess a firearm, destructive device, or other weapon.

(X) (l) not use alcohol (X) at all () excessively.

(X) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

(X) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

(X) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

(X) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

() (i) Curfew. You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

(X) (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

() (iii) Home Incarceration. You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

(✓) (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

() You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

(X) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

(X) (s) Alert USPO to any controlled substance prescription; take all medications per Dr.'s Orders;

alert any Dr. prescribing a controlled substance to the pending indictment; comply with state bond conditions

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (i.e., in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

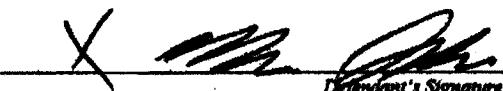
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.


Defendant's Signature

City and State

Directions to the United States Marshal

- The defendant is ORDERED released after processing.
 The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 7/10/2012


Judicial Officer's Signature

Hon. Robert E. Wier, United States Magistrate Judge

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL